United States Marine Corps
Inspector General

Intelligence

MR EDWIN T. VOGT
Assistant Inspector General
Intelligence Oversight Division

Changing Times

Inspector General

“A typical IG is a man past middle age, spare, wrinkled, cold, passive, non-committal, with eyes of a codfish, polite in contact, but at the same time unresponsive, calm, and damnably composed as a concrete post or a plaster of paris cast, a human petrification with a heart of feldspar and without charm or friendly germ, minus bowels, passion, or a sense of humor. Happily, they never reproduce and all of them finally go to hell.”

-- Gen George S. Patton, Jr. United States Army

Key 3

- How to approach and conduct I/O
- Who to contact if you have questions
- The implications of not having good I/O can be huge (Bradley aka Chelsea Manning, Edward Snowden?

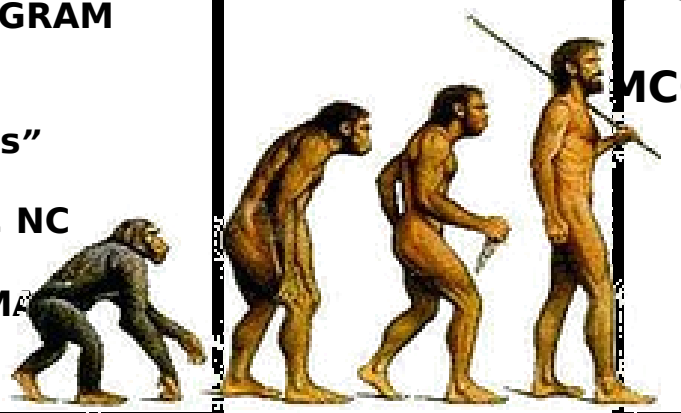
WHY WE EXIST?

ABUSES - 60s/70s

- VIETNAM ERA ABUSES
- INFILTRATION OF COLLEGE CAMPUSES
- INVOLVEMENT IN DOMESTIC POLITICAL ISSUES
- SURVEILLANCE OF ANTI-WAR PROTESTORS

ABUSES - 80/90'S

- COMPARTMENTED PROGRAM ABUSES
- El Salvador "Hit Squads"
- Waco, TX Fort Bragg, NC
- IRAN-CONTRA; GUATEMA



O MISSION

1975 – Church Committee

1981 – E.O. 12333

1982 – DODR 5240.1R

SECNAVINST 3820.3E

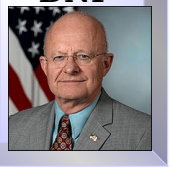
SECNAVINST 5000.34E

MCO 3800.2B

ecretary of Defense
Chuck Hagel

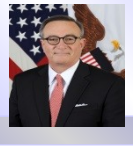
Deputy
cretary of Defense
Robert O. Work

DNI



ATSD
(Civil Support)

Inspector
General



ATSD I/O

ATSD
(Intelligence
Oversight)

General
Counsel

ASD
(Legislative
Affairs)

ASD
(Public Affairs)

Director
Administration
and Management

USD
(Policy)

USD
(Comptroller)

USD
(Personnel &
Readiness)

USD
Intelligence

Director
Operational Test
& Evaluation

USD
(Acquisition
Technology
and Logistics)

RESPONSIBLE FOR THE OVERSIGHT OF ALL INTELLIGENCE / COUNTER INTEL ACTIVITIES IN THE DEPARTMENT OF DEFENSE

IGMC Organization

GS-15

GS-15

Oversight Division

- **Responsible for the Oversight of intelligence and non-intelligence "Sensitive Activities"**

- **Includes: Intelligence, counterintelligence, covered/clandestine actions, special access programs, support to law enforcement agencies, special operations, other special activities**
- **Insider Threat Program - Force Protection**
- **Information Operations – Cyber**

Sensitive Activities

- **Sensitive Activities are activities, by their very nature, that require special oversight to reduce the potential for:**
  - **Physical risk to DON personnel or property**
  - **Issues of unlawful/improper conduct**
  - **Public embarrassment**
- **May require special protection from disclosure**

INTELLIGENCE OVERSIGHT
Getting Started with Your Un

- **Do your homework and read the regulations.**

- **Identify subordinate Intel units and/or activities.**

- **Get your Staff Judge Advocate involved.**

- **Inspect as part of the CGIP:**
  - ✓ **Training program in place**
  - ✓ **Understanding of appropriate**

GOOD IO PROGRAM COMPONENTS

- INSIGHT- Knowledge of programs and potential pitfalls
- OVERSIGHT – Review of programs for compliance with current laws and directives
- FORESIGHT – Determine way ahead to mitigate future problems and set path for future lawful conduct

GOOD INTELLIGENCE OVERSIGHT PROGRAM INDICATORS

- COMMAND AND LEADER EMPHASIS
- CODIFY RESPONSIBILITIES AND REQUIREMENTS
- FORMALLY APPOINT IO OFFICIAL (Whom Everyone Knows)
- TRAINING – EARLY AND OFTEN – WITH CREATIVE REINFORCEMENT

GOOD INTELLIGENCE OVERSIGHT PROGRAM INDICATORS

- MUST BE AN ACTIVE PART OF ALL OPERATIONAL PLANNING AND EXECUTION
- ACTIVE INVOLVEMENT BY SJA
- QUESTIONABLE ACTIVITY REPORTING
  - Timeliness
  - Prompt and Appropriate Corrective Action
- ACCURATE / CURRENT RECORDS & FILES

DoD 5240.1-R Procedures

1. **General Provisions**
2. **Collection of Info on U.S. Persons**
3. **Retention of Information**
4. **Dissemination of Information**
5. Electronic Surveillance
6. Concealed Monitoring
7. Physical Searches
8. Searches of Mail
9. Physical Surveillance
10. Undisclosed Participation in Organizations
11. Contracting for Goods and Services
12. Assistance to Law Enforcement
13. Experimentation on Humans
14. Employee Conduct
15. Questionable Activities

Procedure 15

Under Procedure 15, IGs must . . .

- **Identify, investigate, and report *questionable* activities. Marines should report through their Commander or IG. IGs must then report all questionable activities within five working days from discovery to IGMC-IGO**

- **Determine whether any organization, staffs, or office not specifically identified as an intelligence component are being used for foreign intelligence or counterintelligence purposes.**

You can reach IGMC-IGO at DSN 664-4518 or (703) 604-4518.

Questionable Activity

Commonly Reported Examples

- **Gathering information on U.S. domestic groups not connected with a foreign power or international terrorism.**
- **Producing and disseminating intelligence threat assessments containing U.S. person information without a clear explanation of the intelligence purpose for which the information was collected.**
- **Storing operations and command traffic about U.S. persons in intelligence files merely because the information was transmitted on a classified system.**
- **Collecting U.S. person information from open sources without a mission or authorization to do so.**
- **Disseminating command force protection information on U.S. person domestic activity as an intelligence product.**
- **Becoming directly involved in criminal investigative**

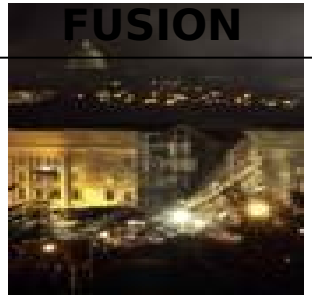
Significant or Highly Sensitive (S/HS) Matter

- Impugn the reputation or integrity of the DoD intelligence community and/or
- Challenge the propriety of an intel activity
  - Prompted by Congressional inquiry
  - May result in adverse media coverage
  - May impact foreign relations
  - Significant unauthorized disclosure of classified or sensitive material
  - Report serious questionable intelligence activities and all significant or highly sensitive matters **immediately**.

WHY INTELLIGENCE OVERSIG

Relevance in the Current Environmen

GWOT AND TRANSFORMATION	FORCE PROTECTION	EVOLVING CAPABILITIES
PRE-DEPLOYMENT TRAINING & COMMAND RESPONSIBILITIES	INFORMATION SHARING & INTELLIGENCE FUSION	OPEN SOURCE COLLECTION



Reporting Format

- DTM 08-052
- Assessment of effect on national security, international relations, civil liberties, and privacy rights
- Remedial action taken or planned
- Actions taken if incident involves improper handling or compromise of classified information
- Signed on letterhead (not an email or phone call)
- Recommend discussion between COCOM and Service IG's on jurisdiction

http://www.dtic.mil/whs/directives/corres/pdf/DTM-08-052.pdf

Intelligence Oversight

Inspection Methodology

- **Identify your command's intelligence components**
- **Involve your local Staff Judge Advocate**
- **Request a briefing from these intelligence components on their program to comply with MCO 3800.2B**
- **Does the unit or activity have a copy of MCO 3800.2B and appropriate SOPs on hand?**
- **Examine training records to determine if personnel are receiving training in accordance with MCO 3800.2B**
- **Quiz unit or activity members**

Intelligence Oversight

Inspection Methodology (continued)

- **Review unit procedures for handling all intelligence information.**
- **Physically check the intelligence files for U.S. person information.**
- **Check the unit or activity's annual review of intelligence files.**
- **Pay particular attention to files pertaining to support given to law-enforcement activities.**
- **Determine if the unit or activity knows about Procedure 15 and how to report a questionable activity.**

Command IG Responsibilities for Intelligence Oversight

- **Inspect intelligence components and activities as part of the Commanding Generals Inspection Program (CGIP) to ensure compliance MCO 3800.2B.**

- **Report any questionable activities within five working days to IGMC-IGO in accordance with Procedure 15.**

- **Ensure that inspected personnel are familiar with the provisions of DoD 5240.1R (Procedures 1 through 4 and 14) and know how to report questionable activities in accordance with Procedure 15.**

Intelligence Oversight Triangle

Commanders Remain Responsible for Everything the Unit Does or Fails to Do

Intelligence Professional

Inspector General of the Marine Corps

Staff Judge Advocate
to the Commandant of the Marine Corps

A system of checks and balances to mitigate risk

Trends
What We Are Seeing in DoD

- **Inspections**
  - Execution of Intelligence Activities is Generally Good
  - Troops Get Trained—Leaders and Contractors Don't
  - Unimaginative Training Leads to Poor Retention
  - Lack of Non-Intel Leader Awareness and Emphasis on IO
  - Loss of High Demand Low Density Personnel to the Private Sector
- **Reports of Questionable Intelligence Activity (Procedure 15)**
  - Conduct of Intelligence Activities without Appropriate Authority
  - Personnel Misconduct in the Course of Intelligence Operations
  - Failure to Report Questionable Activities
  - Force Protection Dets are sometimes outside their authority in Collection vs Analysis

IO Reporting Requirements & Resolution

- **Reporting is Non-Negotiable**
- **Report All Questionable Activity**
  - ✓ **Confirmed and Possible Violations**
- **Report To Intel Oversight Within 5 Working Days of Discovery**
  - ✓ **MARFOR, IGMC, SJA, Command Channels or VFR Direct**

Command Action

- When aware of possible sensitive situations- <u>Take action!</u>
- Initiate Appropriate Inquiries
- Document actions
- Call your SJA

INTELLIGENCE OVERSIGHT IS A GOOD THING

- ENSURES PROTECTION OF CONSTITUTIONAL RIGHTS

- PROTECTS USMC'S GOOD NAME

- DEMONSTRATES THAT THE MARINE CORPS IS POLICING
IT'S OWN INTELLIGENCE ACTIVITIES

- PROCEDURE 15 - ALTERNATE REPORTING CHANNEL
NOT A DISCIPLINARY REPORT

BOTTOM LINE:

ATTEND TO IO RESPONSIBILITES UP FRONT OR….
GET HELP ATTENDING TO DAMAGE CONTROL LATER

One Last Point On Reporting Questionable Intelligence Activities

"In the information age, the bad news is going to get out… the only question is who will tell it first and will they tell it accurately."

- Torie Clark
Former Asst. SECDEF for Public Affairs

Inspector General

Questions ?

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DSN- 664-4518

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